

EXHIBIT D

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1 STATE OF WISCONSIN CIRCUIT COURT
2 BROWN COUNTY
3
4 NCR CORPORATION,)
5 Plaintiff,)
6 vs.)
7 AIG CENTENNIAL INSURANCE CO.,)
8 (f/k/a Colonial Penn Insurance)
9 Co.), et al.,)
10 Defendants.)
11)

Case No. 05-CV-2102

DEPOSITION

OF

TROY HOOVER

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13 TRANSCRIPT of the stenographic notes of the
14 proceedings in the above-entitled matter, as taken by and
15 before SHELLEY E.D. PEARCE, Registered Professional
16 Reporter, Arizona Certified Reporter, Certification No.
17 50301, held at the conference room of Quality Inn & Suites
18 & Conference Center, 4499 Highway 69, Prescott, Arizona,
19 on September 24, 2008, commencing at 10:01 a.m.

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1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 IN AND FOR THE COUNTY OF YAVAPAI
3
4 NCR CORPORATION,)
5 Plaintiff,)
6 v.)
7 AIG CENTENNIAL INSURANCE CO., AIU)
8 INSURANCE COMPANY, ALLIANZ)
9 UNDERWRITERS INSURANCE CO.,)
10 ASSOCIATED INTERNATIONAL)
11 INSURANCE COMPANY, CENTURY)
12 INDEMNITY COMPANY, CERTAIN)
13 UNDERWRITERS AT LLOYD'S LONDON,)
14 CERTAIN LONDON MARKET INSURANCE)
15 COMPANIES, CONTINENTAL CASUALTY)
16 COMPANY, EMPLOYERS INSURANCE)
17 COMPANY OF WAUSAU, EVANSTON)
18 INSURANCE COMPANY, FEDERAL)
19 INSURANCE COMPANY, EXECUTIVE RISK)
20 INDEMNITY, INC., GRANITE STATE)
21 INSURANCE COMPANY, HUDSON)

Case No. 2008-1358

DEPOSITION

OF

TROY HOOVER

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14 INSURANCE COMPANY, INSURANCE)
 COMPANY OF NORTH AMERICA,)
 15 LEXINGTON INSURANCE COMPANY,)
 LIBERTY MUTUAL INSURANCE COMPANY,)
 16 NATIONAL SURETY CORPORATION,)
 NATIONAL UNION FIRE INSURANCE)
 17 COMPANY, ROYAL INDEMNITY COMPANY,)
 SAFETY NATIONAL CASUALTY)
 18 CORPORATION, ST. PAUL MERCURY)
 INSURANCE COMPANY, TRANSPORT)
 19 INSURANCE CO., UNITED NATIONAL)
 CASUALTY INSURANCE COMPANY, and)
 20 ZURICH AMERICAN INSURANCE)
 COMPANY,)
 21)
 Defendants.)
 22)
 23)
 24)
 25)

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1 A P P E A R A N C E S:
 2
 COVINGTON & BURLING, L.L.P.
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 Washington, DC 20004-2401
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 15 Counsel for Defendant United National Insurance
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 18 Suite 5500
 Chicago, Illinois 60606
 19 BY: MR. LAWRENCE D. MASON
 Counsel for Defendant Transport Insurance Company
 20
 21 T E L E P H O N I C

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1 TROY HOOVER,
2 a witness herein, having been first duly sworn by the
3 Certified Court Reporter to speak the truth and nothing
4 but the truth, was examined and testified as follows:
5
6 EXAMINATION
7 BY MR. LITCHFIELD:
8 Q. Morning, sir.
9 A. Morning.
10 Q. Again, my name is Dan Litchfield. I represent
11 the AIG-related defendants in this case. I introduced
12 myself to you a little bit ago.
13 Would you state your full name, please.
14 A. Troy Eugene Hoover.
15 Q. Do you typically go by "Troy"? "Troy Hoover"?
16 A. Yes.
17 Q. During the time that you were in business, did
18 you occasionally go by the initials "T.E." Hoover?
19 A. No.
20 Q. Those are your initials?
21 A. It could be.
22 Q. Sir, where do you reside?
23 A. 1103 Pine Country Court, Prescott, Arizona
24 86303.
25 Q. And I think your attorney indicated that your

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1 age is 85?
2 A. Yes.
3 Q. Are you taking any medication that would affect
4 your ability to testify?
5 A. No.
6 Q. Do you have any health issues that would affect
7 your ability to testify?
8 A. No more than the average 85.
9 Q. I hope to give that answer myself someday.
10 A. You never know.
11 Q. Sir, you're retired?
12 A. Yes.
13 Q. Where were you last employed?
14 A. Appleton Papers, Appleton, Wisconsin.
15 Q. And you resided in Appleton during the time that
16 you worked at Appleton Papers?
17 A. Yes.
18 Q. Previous to that, who did you work for?
19 A. National Cash Register, Dayton, Ohio.
20 Q. Was National Cash Register your first job out of
21 school?
22 A. No.
23 Q. Where did you work before National Cash
24 Register?
25 A. Miles Laboratories, Elkhart, Indiana.

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1 Q. Were you employed prior to Miles Laboratories?
2 A. Just one year, Whitehall Pharmaceutical Company,
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1 Q. How did you determine what projects you would
2 work on on a day-to-day basis?
3 A. I think they came through marketing or requests
4 by customers.
5 Q. Do you have any recollection of what types of
6 things you were working on in late 1972?
7 A. Yes.
8 Q. What was that?
9 A. Same thing, chromogenic compounds.
10 Q. And that related to the carbonless paper?
11 A. Yes.
12 Q. As of that point in time, what was the goal of
13 the work you were doing on chromogenic compounds?
14 A. To achieve the black print, number one; and,
15 two, to stabilize or sew up NCR's patent position with
16 these guys.
17 Q. Okay. Sir, if you turn to the second page of
18 Hoover Exhibit 3, this is the first page of the report,
19 and it contains the title "The Status of Polychlorinated
20 Biphenyl Uses at NCR."
21 Did I get that correct?
22 A. Yes.
23 Q. And then at the bottom, it says, "T.E. Hoover,
24 October 13, 1972"?
25 A. Yes.

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1 Q. All right. Now, as I understand it, you're
2 indicating that you did not prepare this report?
3 A. I did not.
4 Q. And you don't know who did?
5 A. No.
6 Q. Had you ever seen it before when it was sent to
7 you by Mr. Birke?
8 A. No.
9 Q. You've read the report over since you've got it,
10 haven't you?
11 A. Yes.
12 Q. Just wanted to ask you some questions about it,
13 given that fact.
14 The date of the report is October 13, 1972. And
15 the abstract states, in the first line, "The use of
16 polychlorinated biphenyls (Aroclor) in NCR paper has been
17 eliminated."
18 Did I get that right?
19 A. That's what it says, yes.
20 Q. Did you understand that to be accurate as of
21 that date?
22 A. I don't know.
23 Q. There was a point in time when that would be an
24 accurate statement?
25 A. Yes.

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1 Q. And that was a point in time, I think you
2 earlier indicated, that was reached prior to your move to
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